

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JONATHON L. WOODS

v.

KAREEM LOZER, et al.

)

)

) NO. 3:05-1080

) JUDGE CAMPBELL

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ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 73) and Objections filed by the Defendants (Docket No. 74). The Court has reviewed the Report and Recommendation, the Objections, and the file.

The Objections of the Defendant are overruled, and the Report and Recommendation of the Magistrate Judge is adopted and approved. Plaintiff's claims against Defendants O'Malley and Harp and Plaintiff's claim of deliberate indifference against Defendants Cecil and Tyler are DISMISSED without prejudice for failure to exhaust administrative remedies.

The Court takes under advisement, pending the ruling of the U.S. Supreme Court in Jones v. Bock, the issue of partial vs. full exhaustion with regard to the remaining claims against Defendants Lozer, Garner, Werbeck, Harris and Munson. The trial remains set for May 15, 2007, and the parties shall notify the Court once a decision has been announced in Jones v. Bock.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE